No. 17-965

IN THE

Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,

Petitioners,

v.

STATE OF HAWAII, ET AL.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

BRIEF OF *AMICI CURIAE* COLLEGES AND UNIVERSITIES IN SUPPORT OF RESPONDENTS

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TABLE OF AUTHORITIES

CASES

Fisher v. University of Texas at Austin, 133 S. Ct. 2411 (2013) 14, 15

Grutter v. Bollinger, 539 U.S. 306 (2003) 15

Trump v. International Refugee Assistance Project, 137 S. Ct. 2080 (2017) 30, 32

ORDERS

Executive Order No. 13,769, 82 Fed. Reg. 8,977 (Jan. 27, 2017) 3

Executive Order No. 13,780, 82 Fed. Reg. 13,209 (Mar. 6, 2017) 3

Proclamation No. 9645, 82 Fed. Reg. 45,161 (Sept. 24, 2017) 2, 3, 4, 26

OTHER AUTHORITIES

American Association of Collegiate Registrars and Admissions Officers, *Treading Topics Survey: International Applicants for Fall 2017—Institutional & Applicant Perceptions* (Apr. 4, 2017), http://www.aacrao.org/docs/default-source/TrendTopic/Immigration/final-report.pdf?sfvrsn=0 24

American Immigration Council, *Fact Sheet: The H-1B Visa Program: A Primer on the Program and Its Impact on Jobs, Wages, and the Economy* (Apr. 1, 2016), https://www.americanimmigrationcouncil.org/research/h1b-visa-program-fact-sheet 12

Stuart Anderson, *Immigrants Flooding America with Nobel Prizes*, Forbes (Oct. 16, 2016, 10:48 AM), http://www.forbes.com/sites/stuartanderson/2016/10/16/immigrants-flooding-america-with-nobel-prizes/#3de213817f5f 18

Stuart Anderson, Nat'l Found. for American Policy, *Immigrants and Billion Dollar Startups*, http://nfap.com/wp-content/uploads/2016/03/Immigrants-and-Billion-Dollar-Startups.NFAP-Policy-Brief.March-2016.pdf 17

Bureau of Consular Affairs, U.S. Dep't of State, U.S. Visas: Temporary Worker Visas, https://travel.state.gov/content/travel/en/us-visas/employment/temporary-worker-visas.html (last visited Mar. 27, 2018) 13

Bureau of Consular Affairs, U.S. Dep't of State, U.S. Visas: Visitor Visa, https://travel.state.gov/content/visas/en/visit/visitor.html (last visited Mar. 27, 2018) 13

Bureau of Educational and Cultural Affairs, U.S. Dep't of State, J-1 Visa Exchange Visitor Program, Common Questions—Basics, https://j1visa.state.gov/basics/common-questions/ (last visited Mar. 27, 2018) 12

Larry Hardesty, *Signal Intelligence*, MIT Tech. Rev. (Oct. 20, 2015), https://www.technologyreview.com/s/542131/signal-intelligence/ 19

In Solidarity with People Affected by the 'Muslim Ban,' https://docs.google.com/forms/d/e/1FAIpQLSeNN_2HHREt1h-dm_CgWpFHw8NDPGLCkOwB4lLRFtKFJqI25w/viewform?c=0&w=1&fbzx=2104368019732744200 (last visited Mar. 27, 2018) 29

Institute of International Education, *IIE Releases Open Doors 2017 Data* (Nov. 13, 2017), https://www.iie.org/Why-IIE/Announcements/2017-11-13-Open-Doors-Data 5, 23

Institute of International Education, International Student Enrollment Trends, 1948/49-2016/17, *Open Doors Report on International Educational Exchange* (2017), https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Enrollment 5, 7, 23

Institute of International Education, International Students by Field of Study, 2015/2016-2016/17, *Open Doors Report on International Educational Exchange* (2017), https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Fields-of-Study 16

Joint Declaration of Former National Security Officials, *State of Hawaii et al. v. Trump et al.*, 1:17-cv-00050, ECF No. 383-1 (D. Haw. Oct. 15, 2017) 13, 17

Molly Land & Kathryn Libal, *Trump is Undermining Higher Education as a Global Enterprise*, The Chronicle of Higher Education (Jan. 31, 2017), http://www.chronicle.com/article/Trump-Is-Undermining-Higher/239060 7

Laura Meckler & Melissa Korn, *Visas Issued to Foreign Students Fall, Partly Due to Trump Immigration Policy*, Wall St. J. (Mar. 11, 2018), https://www.wsj.com/articles/visas-issued-to-foreign-students-fall-partly-due-to-trump-immigration-policy-1520766000 5

NAFSA, NAFSA International Student Economic Value Tool, http://www.nafsa.org/Policy_and_Advocacy/Policy_Resources/Policy_Trends_and_Data/NAFSA_International_Student_Economic_Value_Tool/ 17

Adams Nager, et al., Information Technology & Innovation Found., *The Demographics of Innovation in the United States* (Feb. 24, 2016), https://itif.org/publications/2016/02/24/demographics-innovation-united-states 17

Shannon Najmabadi, *Academics Mull Boycott of U.S. Conferences as a Way of Fighting Travel Ban*, The Chronicle of Higher Education (Jan. 30, 2017), http://www.chronicle.com/article/Academics-Mull-Boycott-of-US/239047?cid=pm&utm_source=pm&utm_medium=en&elqTrackId=e9a82fa115e24765bc019b2dfc9d480e&elq=ef21be06f46043e287aeedd6a611eb6e&elqaid=12357&elqat=1&elqCampaignId=5023 29

Hironao Okahana, *Data Sources: Admission Yields of Prospective International Graduate Students: A First Look*, http://cgsnet.org/data-sources-admission-yields-prospective-international-graduate-students-first-look (last visited Mar. 27, 2018) 24

Chris Parr, *Response: international universities speak out against Trump ban*, The Times Higher Education (Jan. 31, 2017), https://www.timeshighereducation.com/blog/response-international-universities-speak-out-against-trump-ban 22, 28

Elizabeth Redden, *Boycotting the U.S.*, Inside Higher Ed (Jan. 31, 2017), https://www.insidehighered.com/news/2017/01/31/protest-trump-entry-ban-some-scholars-are-boycotting-us-based-conferences 29

Elizabeth Redden, *New International Enrollments Decline*, Inside Higher Ed (Nov. 13, 2017), https://www.insidehighered.com/news/2017/11/13/us-universities-report-declines-enrollments-new-international-students-study-abroad 23

Katie Rose Quandt, *Meet the First Woman to Win the "Nobel Prize of Mathematics,"* Mother Jones (Aug. 14, 2014), http://motherjones.com/mixed-media/2014/08/maryam-mirzakhani-first-woman-fields-medal-mathematics 18

Omer Taspinar, *The Problem With Radicalism*, 19 Cairo Rev. 76 (2015) 19

U.S. Customs & Immigration Enforcement, *Optional Practical Training (OPT) for F-1 Students* (last updated Jan. 24, 2018), https://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment/optional-practical-training 10

INTEREST OF *AMICI CURIAE*[1]

Amici are colleges and universities that submit this brief in support of Respondents. Though *amici* are located in the U.S., their missions and reach are global: they educate, employ, conduct research, and collaborate with students, faculty, and scholars from all over the world—individuals who speak different languages, practice different religions, and have wide-ranging life experiences. These individuals make significant contributions to their fields of study and to campus life by bringing their unique perspectives and talents to *amici*'s classrooms, laboratories, and performance spaces. They also contribute by making scientific discoveries, starting businesses, and creating literature and art, all of which redound to the benefit of others far beyond *amici*'s campuses. And by studying and engaging with other scholars in the U.S., these individuals gain a greater understanding of and appreciation for the values we hold dear, including democratic principles and respect for the rule of law, tolerance, and human rights—values which they may then share with citizens of their home countries.

Recognizing the invaluable contributions of international students, faculty, and scholars, *amici* make significant efforts to attract the most talented

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[1] No counsel for a party authored this brief in whole or in part, and no person, other than *amici* or their counsel, made any monetary contribution intended to fund this brief. Petitioners have filed a blanket letter of consent. Consent from Respondents has been lodged with the Clerk.

individuals from around the globe. In light of their educational missions, *amici* are deeply interested in ensuring that individuals from around the globe can continue to enter the U.S. and share their unique skills and perspectives.[2]

SUMMARY OF ARGUMENT

Amici have long recognized the importance of attracting international students, faculty, staff, and scholars. International scholars and faculty share important insights about the conditions, traditions, and cultural values and practices of their home nations. Their work leads to critical advancements across all disciplines, from science and technology to arts and letters, often through cross-border collaborations that enhance teaching and research. International students study here and return home as leaders in business, medicine, politics, and other fields. The benefits of international diversity in American higher education thus inure not only to colleges and universities themselves, but to the country and indeed the world.

The third in a series of presidential orders banning entry into the U.S. of nationals of Muslim-majority countries, Proclamation No. 9645, like its predecessors, impairs *amici*'s ability to attract talented individuals from around the globe and thus to meet their goals of educating tomorrow's leaders. *See* 82 Fed. Reg. 45,161 (Sept. 24, 2017) [hereinafter "Proclamation"]. Unlike the temporary bans of its predecessors, however, the

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[2] *Amici* offer individual statements of interest in the Appendix.

Proclamation indefinitely bars or otherwise restricts entry of all immigrants and most non-immigrants from Chad, Iran, Libya, Somalia, Syria, and Yemen.[3] Proclamation § 2.

The Proclamation excludes all Syrian nationals, preventing *amici* from recruiting promising students, faculty, staff, and scholars and jeopardizing the education and careers of Syrian nationals currently enrolled at or employed by *amici* on visas that will need to be renewed. *Id.* § 2(e)(ii). For Iranian nationals, it suspends all nonimmigrant visas, with the exception of student and exchange visas, throwing *amici*'s recruitment efforts of prospective Iranian faculty and staff, and the careers of Iranian nationals currently employed by *amici*, into similar jeopardy. *Id.* § 2(b)(ii). It also suspends travel and business visas for nationals of Chad, Iran, Libya, and Yemen, inhibiting *amici* from interviewing prospective faculty from these countries in person, recruiting prospective students from these

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[3] *Compare* Proclamation No. 9645, 82 Fed. Reg. 45,161 (Sept. 24, 2017) [hereinafter "Proclamation"] *with* Executive Order No. 13,769, 82 Fed. Reg. 8,977 (Jan. 27, 2017) *and* Executive Order No. 13,780, 82 Fed. Reg. 13,209 (Mar. 6, 2017). In addition, the Proclamation suspends entry of all North Korean nationals, limits entry of certain Venezuelan government officials and their immediate family members, and subjects all other Venezuelan nationals seeking entry to enhanced screening and vetting procedures. Proclamation §§ 2(d), (f). These sections of the Proclamation are not subject to the Ninth Circuit's injunction. Pet. App. 3a. *Amici* thus refer throughout this brief to the six affected countries of Chad, Iran, Libya, Somalia, Syria, and Yemen.

countries through campus visits, collaborating with researchers from these countries at conferences, or inviting world-renowned scholars from these countries to speak. *Id.* §§ 2(a)(ii), (b)(ii), (c)(ii), (g)(ii).

Despite the extensive individualized vetting a person already must undergo to secure a visa to study here, the Proclamation imposes additional, unspecified "enhanced screening and vetting" on students and scholars from Iran, and students, scholars, or faculty from Somalia. *Id.* §§ 2(b)(ii), (h)(ii). This additional scrutiny has meant that otherwise qualified students and scholars are not able to obtain visas, and it all but ensures that others are deterred from applying. *Amici* moreover risk losing current students, faculty, and scholars from the targeted Muslim-majority countries because their family members who remain in those countries will never be able to visit on travel visas or join them here on immigrant visas. *Id.* § 2.

The Proclamation threatens *amici*'s ability to attract persons not only from the specified countries, but from around the world. It contradicts the values that *amici* have traditionally touted as benefits of studying and working here, including the freedom of religion and equality embodied in the First and Fourteenth Amendments. Indeed, large groups of scholars have threatened to boycott meetings and conferences hosted in the U.S. because of the travel ban. Universities in other countries have used the Proclamation, and the arbitrariness and unpredictability that the travel bans have introduced into this country's immigration policy,

to recruit international students, faculty, and scholars away from U.S. institutions.

Amici have already felt the damaging effects of the Proclamation and its predecessor travel bans. The 2016-17 academic year marked the first time in at least twelve years that the total number of new international students enrolled at a U.S. college or university declined.[4] The *Wall Street Journal* recently reported a marked decline in the number of visas issued to foreign students.[5] And international scholars and faculty have advised many of *amici* that they could not accept invitations to work and teach here given the uncertainty surrounding the predecessor travel bans. The Proclamation has removed all doubt that scholars and faculty from Syria cannot work and teach at *amici*, and that persons from the other targeted countries will face

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[4] Institute of International Education (IIE), *IIE Releases Open Doors 2017 Data* (Nov. 13, 2017), https://www.iie.org/Why-IIE/Announcements/2017-11-13-Open-Doors-Data; IIE, International Student Enrollment Trends, 1948/49-2016/17, *Open Doors Report on International Educational Exchange* (2017), https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Enrollment [hereinafter "International Student Enrollment Trends"].

[5] Laura Meckler & Melissa Korn, *Visas Issued to Foreign Students Fall, Partly Due to Trump Immigration Policy*, Wall St. J. (Mar. 11, 2018), https://www.wsj.com/articles/visas-issued-to-foreign-students-fall-partly-due-to-trump-immigration-policy-1520766000.

an uphill battle to do so, a battle in which victory may mean permanent separation from their families. Likewise, the predecessor bans deterred students from applying to and studying at American universities. If permitted to stand, the Proclamation will discourage many prospective international students from applying to *amici* during future application cycles. Even worse, *amici* have been harmed by the predecessor travel bans and the Proclamation without any evidence that an appreciable number of nationals from these countries—all of whom the government already vets before permitting them to study or work here—pose any safety or security threat. Upholding the Proclamation will telegraph to all countries that their citizens may be unjustly targeted for exclusion, worsening the Proclamation's negative effects.

Amici support an injunction of Section 2 of the Proclamation as applied to all visa applicants, rather than only to "'foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States.'" Pet. App. 7a. Limiting the Proclamation's scope to only those lacking such a "bona fide" relationship would not cure its harms to *amici*.

Because the Proclamation harms American higher education and offends important, defining principles of

our country, *amici* respectfully submit this brief in support of Respondents.

ARGUMENT

I. International Students, Faculty, and Scholars Are Vital to *Amici*, the U.S., and the World.

Amici's ability to foster rich educational environments depends in part on their ability to attract students, faculty, and scholars from around the globe. The international members of *amici*'s communities contribute to the vibrant campus life, world-class educational offerings, and research discoveries for which *amici* are known. These individuals' contributions redound to the benefit of other members of *amici*'s campus communities, the U.S., and the world.

A. Each *Amicus* Is Home to a Significant Percentage of Students, Faculty, and Scholars Who Are Citizens of Other Nations.

Amici are firmly committed to attracting the most exceptional individuals from all nations. In the 2016–17 academic year, U.S. universities welcomed more than one million international students.[6] *Amici*'s campuses reflect this trend. They are home to a significant percentage of international students, faculty, and scholars—including nationals of the six Muslim-majority

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[6] International Student Enrollment Trends, *supra* note 4; *see also* Molly Land & Kathryn Libal, *Trump is Undermining Higher Education as a Global Enterprise*, The Chronicle of Higher Education (Jan. 31, 2017), http://www.chronicle.com/article/Trump-Is-Undermining-Higher/239060.

countries affected by the Proclamation. This international presence is true across *amici*'s campuses even though *amici* vary in size, location, and focus.

For example, in fall 2016, Columbia University enrolled 1,416 international undergraduates (16% of Columbia's undergraduate population) and 7,571 international graduate and professional students (38.7% of its graduate and professional students). USC had 10,571 international students—24.1% of its total student body—enrolled in fall 2016. At Duke, of 6,449 undergraduate students, 10% were international, and of 8,383 graduate students, 47% were international in fall 2016. Princeton's numbers are similar: in the 2016-17 academic year, 640 or 12.2% of Princeton's undergraduates were international, as were 1,168, or 42%, of its graduate students. So too for the University of Pennsylvania: there, 4,859 international students were enrolled at all levels in fall 2016, including 13% of the incoming freshman class and more than a quarter of the University's graduate students. As of October 2016, Stanford enrolled 4,164 international students, comprising 24% of the student population. In fall 2016, 6,764 international students were enrolled at the University of Michigan, comprising 15% of its student population.

Amici also benefit from the contributions of international faculty and scholars. More than 40% of MIT's faculty is international. At Princeton, approximately 30% of faculty appointees, 52% of academic professionals (professional researchers, specialists, librarians, and postdoctoral fellows), and 46% of visiting faculty and researchers are international

(including lawful permanent residents). The University of Chicago counts as international (including lawful permanent residents) 24% of its faculty and other academic appointees, as well as 65% of its postdoctoral researchers and 10% of its staff members. At Cornell, 5.1% of faculty are international, as are 26.4% of other academic employees and postdocs. Yale's faculty is 10% international, as is approximately 65% of its postdoctoral research community. In fall 2016, Northwestern was home to 1,534 international scholars, in positions from postdoctoral scholars to researchers and faculty. 34% of Emory's 944 full-time research staff are nonresident aliens.

Amici's international students, faculty, and scholars include persons from the six countries affected by the Proclamation. USC had 168 students from Iran alone enrolled in fall 2016. Princeton has approximately 50 students and employees from the six affected countries, and its graduate school received approximately 150 applications for fall 2017 (and more than 700 applications in the past five years) from students from those nations. Over the past three years, Rice has hosted between 32 and 35 students from the six affected countries and received more than 600 applications from undergraduate and graduate students from those countries. Brown has more than 20 students and scholars from the countries affected by the Proclamation. The University of Chicago has 22 students from Iran, 2 students from Syria, and 2 recent graduates from Iran employed under Optional

Practical Training (OPT) and University sponsorship.[7] In the past academic year, Northwestern had 45 students and 22 scholars from Iran, 2 students from Syria, and 1 student from Yemen, and extended offers of admission for the current academic year to at least 16 prospective students affected by the Proclamation. Carnegie Mellon has 31 students and 10 faculty and scholars from the six affected countries at its U.S. locations. WPI has 32 undergraduate and graduate students and 29 faculty and scholars from the affected countries. Harvard counts 45 students and 63 scholars from the six affected countries who are present on nonimmigrant visas, along with 77 dependents from those countries, and has admitted 23 students from those countries for fall 2017. MIT currently has 58 degree and non-degree students, 53 scholars, and 6 recent graduates on OPT from the six affected countries. Emory hosts 40 faculty members and scholars from those countries. 20 of Boston University's faculty and scholars are from two of the affected countries. Tufts hosts 18 faculty and scholars from the affected countries. These are just a few of the universities where persons from the affected countries make invaluable contributions to *amici*'s communities.

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[7] "Optional Practical Training (OPT) is temporary employment that is directly related to an F-1 student's major area of study." U.S. Customs & Immigration Services, *Optional Practical Training (OPT) for F-1 Students* (last updated Jan. 24, 2018), https://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment/optional-practical-training.

The international presence at *amici*'s campuses is no accident. *Amici* have invested significant time and resources to attract international students, faculty, and scholars. For example, *amici* have established many programs and centers focused on specific subjects like archaeology and the ancient world, including the Joukowsky Institute for Archaeology and the Ancient World at Brown and the University of Chicago's Oriental Institute for the study of ancient Near Eastern civilizations; schools dedicated to international relations like the School of International and Public Affairs at Columbia; residential communities focusing on cross-cultural collaboration like the Global Village at Dartmouth; and centers that serve as the focal point for international students, faculty, and scholars, like the Davis International Center and Mamdouha S. Bobst Center for Peace and Justice at Princeton, the Bechtel International Center at Stanford, the McDonnell International Scholars Academy at Washington University, and the World Fellows Program, Jackson Institute for Global Affairs, and MacMillan Center for International and Area Studies at Yale. Other programs focus on educating foreign ministers, including those from the six countries affected by the Proclamation. For example, Harvard Kennedy School and Harvard's T.H. Chan School of Public Health offer an annual Harvard Ministerial Leadership Program, in which ten to twelve serving education, health, and finance ministers are invited to a rigorous summer course in Cambridge for leadership enhancement.

The success of these centers, programs, and offerings—and the success of *amici* in more generally attracting persons from around the world—depends on

U.S. immigration policies. Many international students, faculty, and scholars are present on J-1 visas. This longstanding program is administered by the State Department to "foster[] global understanding through educational and cultural exchanges."[8] As discussed below, the U.S. and the world reap wide-ranging benefits from the resultant shared knowledge, including advances in medicine and science, progress toward equal treatment of women and religious minorities, and respect for democracy and the rule of law.

The U.S. offers other types of visas to international students, faculty, and scholars as well. Many students attending full-time degree programs rely on F-1 visas, which allow them to remain in the U.S. for as long as it takes to complete their courses of study. And some university faculty, research scholars, and staff hold H-1B visas, which allow U.S. employers to fill gaps in the existing labor force with highly-skilled, temporary workers from other countries. A significant number of researchers are employed through H-1B visas, most notably for positions in technology and the sciences.[9]

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[8] Bureau of Educ. and Cultural Affairs, U.S. Dep't of State, J-1 Visa Exchange Visitor Program, Common Questions—Basics, https://j1visa.state.gov/basics/common-questions/ (last visited Mar. 27, 2018).

[9] *See, e.g.*, American Immigration Council, *Fact Sheet: The H-1B Visa Program: A Primer on the Program and Its Impact on Jobs, Wages, and the Economy* (Apr. 1, 2016), https://www.americanimmigrationcouncil.org/research/h1b-visa-program-fact-sheet ("[T]he presence of research universities accounts for H-1B demand" in many metro areas,

Some universities also use the O-1 visa program, which enables professors or researchers with extraordinary demonstrated ability in the arts, sciences, education, business, or athletics to enter the U.S. temporarily to work in their specified field.[10] Prospective students who wish to visit college campuses before deciding where to attend, prospective faculty and staff invited to in-person job interviews, and scholars who wish to attend conferences in their fields or to speak at university events may do so on B-1, B-2, or B-1/B-2 visas for business and travel.[11]

Through these visa programs, the many international students, faculty, and scholars who make *amici*'s campuses their homes and workplaces are thoroughly vetted by the U.S. using existing procedures.[12] *Amici* must be able to assure current and prospective international students, faculty, and scholars

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and "[n]early two-thirds of requests for H-1B workers are for STEM occupations. There is also high demand for workers in healthcare, business, finance, and life sciences industries.").

[10] Bureau of Consular Affairs, U.S. Dep't of State, U.S. Visas: Temporary Worker Visas, https://travel.state.gov/content/travel/en/us-visas/employment/temporary-worker-visas.html (last visited Mar. 27, 2018).

[11] Bureau of Consular Affairs, U.S. Dep't of State, U.S. Visas: Visitor Visa, https://travel.state.gov/content/visas/en/visit/visitor.html (last visited Mar. 27, 2018).

[12] Joint Declaration of Former National Security Officials ¶ 7, *State of Hawaii et al. v. Trump et al.*, 1:17-cv-00050, ECF No. 383-1 (D. Haw. Oct. 15, 2017) [hereinafter "Former National Security Officials Declaration"].

that once they have been cleared through standard vetting procedures, they may pursue their studies and scholarship here. *Amici*'s ability to accomplish their educational missions necessarily depends on clear, consistent, predictable, and nondiscriminatory application of American immigration policy.

B. International Students, Faculty, and Scholars Contribute Significantly to *Amici*'s Campuses.

International students, faculty, and scholars make substantial contributions to *amici*'s campuses. International diversity benefits *amici* by facilitating regular interactions between individuals from different cultures with varied life experiences: a Muslim student from Iran brings something different to the seminar table than a Jewish professor from the Midwestern U.S. or a Christian graduate student from Western Europe. This diversity promotes the free exchange of ideas, encouraging individuals to consider issues from a multiplicity of perspectives and giving students and faculty a greater understanding of our global, pluralistic society. Moreover, when individuals from different backgrounds with distinctive life experiences live and study together on the same campus, the resulting diversity increases understanding of all parts of the world.

This Court acknowledged these benefits when it held that universities have a compelling interest in obtaining the "educational benefits that flow from student body diversity." *Fisher v. Univ. of Texas at Austin*, 133 S. Ct. 2411, 2419 (2013) (quoting *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003)). "The academic mission of a university is a special concern of the First

Amendment," and "[p]art of the business of a university [is] to provide that atmosphere which is most conducive to speculation, experiment, and creation." *Id.* at 2418 (internal quotation marks omitted; second bracket in original). A diverse student body contributes to this atmosphere by fostering "enhanced classroom dialogue" and "lessening ... isolation and stereotypes." *Id.* Accordingly, this Court has recognized that to "fulfill[] [their] mission[s]," universities must be able to recruit students (and, by extension, faculty and scholars) who will "contribute the most to the robust exchange of ideas." *Grutter v. Bollinger*, 539 U.S. 306, 324 (2003) (quoting *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 313 (1978)).

International diversity is uniquely valuable. For many of *amici*'s students, enrollment in the university will be their first exposure to students, faculty, and scholars from other nations or other religious backgrounds. Such exposure both in and outside of the classroom enriches students' experiences and teaches them how to collaborate across ethnic and religious differences. Moreover, international students, faculty, and scholars provide unique insight into the world's current problems and potential solutions. A Syrian student who has lived through the country's ongoing civil war necessarily will have an important perspective on the causes of that conflict and on how the rest of the world might help alleviate it. These opportunities for cross-cultural understanding are integral to *amici*'s ability to provide some of the best educational programs in the world.

International students, faculty, and scholars also contribute to *amici*'s campuses through their academic interests and achievements. For example, many study, teach, and research in fields that are underpopulated by American-born students, faculty, and scholars, such as the sciences, technology, engineering, and mathematics ("STEM"). According to the Institute of International Education, more than one third of international students during the 2016-17 year studied engineering, math, or computer science.[13] Permitting international students and faculty to study and work at *amici* is particularly important given the pressing need for scholarship and research in these fields.

C. The Enrollment and Employment of International Students, Faculty, and Scholars at *Amici* Benefit the U.S. and the World.

International students, faculty, and scholars make significant scientific, technological, social, and political contributions to the U.S. and the world.

To begin, international students make significant contributions to the U.S. economy. One estimate provides that international students directly contributed $32.8 billion to the U.S. economy and supported or contributed to the creation of 400,000

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[13] IIE, International Students by Field of Study, 2015/2016-2016/17, *Open Doors Report on International Educational Exchange* (2017), https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Fields-of-Study.

American jobs in the 2015–16 academic year;[14] others suggest that international students "annually inject hundreds of billions into the U.S. economy" and "support[] well over a million U.S. jobs."[15]

In addition, many international students choose to remain in the U.S. and become leading innovators, entrepreneurs, artists, and thought-leaders. One study found that more than one third of U.S. innovators were born outside the country, and another 10% have at least one foreign-born parent.[16] Another analysis found that "[i]mmigrants have started more than one half (44 of 87) of America's startup companies valued at $1 billion or more and are key members of management or product development teams in over 70 percent (62 of 87) of these companies."[17]

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[14] NAFSA, NAFSA International Student Economic Value Tool, http://www.nafsa.org/Policy_and_Advocacy/Policy_Resources/Policy_Trends_and_Data/NAFSA_International_Student_Economic_Value_Tool/.

[15] Former National Security Officials Declaration ¶ 13(f).

[16] Adams Nager, et al., Information Technology & Innovation Found., *The Demographics of Innovation in the United States* (Feb. 24, 2016), https://itif.org/publications/2016/02/24/demographics-innovation-united-states.

[17] Stuart Anderson, Nat'l Found. for American Policy, *Immigrants and Billion Dollar Startups*, http://nfap.com/wp-content/uploads/2016/03/Immigrants-and-Billion-Dollar-Startups.NFAP-Policy-Brief.March-2016.pdf.

The benefits from international students, faculty, and scholars at American universities are not just economic. These individuals make significant discoveries and contributions in their fields. Since 2000, 40% of all American Nobel prize winners in Chemistry, Medicine, and Physics have been immigrants—and in 2016, *all six* American winners of the Nobel Prize in economics and scientific fields were foreign-born.[18] These awards "represent great individual achievement but also reflect the state of research, openness and scientific advancement within [American] society."[19]

Amici have seen these successes up close. In 2014, the late Maryam Mirzakhani was the first woman to win the Fields Medal, known as the "Nobel Prize of Mathematics." Mirzakhani grew up in Iran before earning her Ph.D. at Harvard and becoming a professor at Princeton and then Stanford.[20] Professor Muawia Barazangi came to the U.S. from Syria for graduate study after earning his undergraduate degree from the University of Damascus; he earned a Ph.D. from Columbia before joining the faculty at Cornell, where he

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[18] Stuart Anderson, *Immigrants Flooding America with Nobel Prizes*, Forbes (Oct. 16, 2016, 10:48 AM), http://www.forbes.com/sites/stuartanderson/2016/10/16/immigrants-flooding-america-with-nobel-prizes/#3de213817f5f.

[19] *Id.*

[20] *See* Katie Rose Quandt, *Meet the First Woman to Win the "Nobel Prize of Mathematics,"* Mother Jones (Aug. 14, 2014), http://motherjones.com/mixed-media/2014/08/maryam-mirzakhani-first-woman-fields-medal-mathematics.

became a U.S. citizen and had a long and distinguished research and teaching career in the field of Earth Sciences. Syrian-born Dina Katabi, a professor at MIT, came to the U.S. for graduate study at MIT, and has since won a Macarthur "Genius" grant for her work on improving wireless network efficiency and security.[21]

Education and employment at leading American universities also provide opportunities for individuals to experience life in the U.S. and gain a greater appreciation for American social, political, and cultural norms and ideas. These include democratic governance, respect for the rule of law and human rights, and tolerance of cultural, religious, and other differences. These individuals return to their home countries with a deeper understanding of and appreciation for the U.S. and its values—and, hopefully, a greater desire to engage in continuing discourse and exchange. They also return to their home countries with the tools necessary to improve conditions on the ground, such as public health initiatives and good governance. This, in turn, promotes the economies of developing nations, and may help stymie radicalization.[22]

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[21] Larry Hardesty, *Signal Intelligence*, MIT Tech. Rev. (Oct. 20, 2015), https://www.technologyreview.com/s/542131/signal-intelligence/.

[22] *See, e.g.*, Omer Taspinar, *The Problem With Radicalism*, 19 Cairo Rev. 76, 80 (2015) ("An agenda based on human development with equal emphasis on education reform, democratic reforms, and socioeconomic advancement can address the ideological as well as economic root causes of radicalization.").

International students, faculty, and scholars become leaders in their home countries. Yale counts among its distinguished alumni many foreign leaders, including Valdis Zatlers, former President of Latvia; Abd al-Karim al-Iryani, former Prime Minister of the Republic of Yemen; and Ernesto Zedillo, former President of Mexico. Alumni from MIT include Benjamin Netanyahu, Prime Minister of Israel; Kofi Annan, former Secretary-General of the United Nations; and Lucas Papademos, former Prime Minister of Greece. World leaders educated at Harvard include current Liberian President Ellen Johnson-Sirleaf (Africa's first elected female President) and former Prime Minister of Pakistan Benazir Bhutto. And Georgetown counts among its alumni many foreign leaders, including Abdullah II bin al-Hussein, the King of Jordan; José Manuel Barroso, former President of the European Commission; Saad Hariri, former Prime Minister of Lebanon; and Nasser Judeh, former Deputy Prime Minister and Minister of Foreign Affairs of Jordan.

II. The Proclamation Harms Students, Faculty, Scholars, and Universities.

The Proclamation has serious and chilling implications for *amici's* students, faculty, and scholars. It separates current students from their families, impairs the ability of American universities to draw the finest international talent, and inhibits the free exchange of ideas. It is imperative to *amici* that the Court consider these and other detrimental effects of the Proclamation.

First, the Proclamation hurts American universities by prohibiting or deterring international students,

faculty, and scholars from studying here. Even if a visa may ultimately be available, the Proclamation hamstrings American universities during the recruitment process because applicants from the affected nations cannot visit campus to interview, give a job talk, and meet potential colleagues. *Amici*, like other American universities, aim to attract talented students, faculty, and scholars from around the globe. The Proclamation hampers *amici*'s ability to do so by arbitrarily and indefinitely banning or unduly burdening the entry of persons from the targeted countries and contemplating further categorical entry bans based on national origin. The exclusion of those persons diminishes the experience of studying at *amici* for everyone, and as the predecessor bans' effects demonstrate, inevitably will deter persons from other countries from choosing to study or work here.

Reducing the international presence on *amici*'s campuses will detract from the academic experience for those who do study in this country. As *amici* have explained, the benefits of international diversity to American universities are manifold. And it is not merely the classroom experience that will suffer. The success of American laboratories, a major driver of our economy, depends on their ability to attract the best trainees and postdoctoral fellows, wherever they may be found, and to collaborate with foreign scientists. The Proclamation diminishes *amici*'s ability to attract these scientists, who will otherwise go to foreign laboratories.

Indeed, international universities have noted this effect in statements criticizing the predecessor Orders and touting their own opportunities for international

students and scholars.[23] Regarding the travel ban's first iteration, the Vice-Chancellor of the University of Cambridge, UK stated: "While we acknowledge that a country must have the right to manage its own borders, this ban is fundamentally at odds with the values of openness, tolerance and evidence-based decision-making that the University of Cambridge stands for."[24] He added: "We are determined to champion openness, and the free exchange of knowledge across borders. Even as governments around the world seek to curb freedom of movement, the University of Cambridge remains committed to welcoming the best and brightest students and staff—irrespective of their nationality."[25]

The Proclamation's effects on prospective international students are not speculative. At one *amicus*, preliminary graduate school application numbers for the 2018-19 entering cohort reflect a considerable decrease—more than 25%—in the number of applicants from Iran, in comparison to recent years. Data from the 2016-17 academic year further bears this out, with new international student enrollment declining

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[23] Chris Parr, *Response: international universities speak out against Trump ban*, The Times Higher Education (Jan. 31, 2017), https://www.timeshighereducation.com/blog/response-international-universities-speak-out-against-trump-ban.

[24] *Id.*

[25] *Id.*

for the first time in at least twelve years.[26] Among colleges and universities participating in two major recent enrollment surveys, 68% cited the visa application process or visa denials and delays as a reason for declining new enrollments, up 35% from the prior year; 57% cited the social and political environment in this country, up 41% from the prior year.[27] These figures reflect the material impact of the Proclamation and its predecessor bans.

Amici have experienced these effects. Many admissions letters for fall 2017 were sent in spring 2017, just after the first travel ban was issued. Prospective international students had a short window to decide whether to attend a U.S. college or university. Faced with the prospect that they might not be able to obtain visas, many reasonably chose to enroll at universities in other countries instead of studying here. Many *amici* received calls from concerned prospective and admitted students who questioned whether they could enroll at all in light of this uncertainty. And since the Proclamation was allowed to take effect in December 2017, the calls have only increased and the concerns have only worsened.

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[26] *See supra* note 4.

[27] *See* Elizabeth Redden, *New International Enrollments Decline*, Inside Higher Ed (Nov. 13, 2017), https://www.insidehighered.com/news/2017/11/13/us-universities-report-declines-enrollments-new-international-students-study-abroad.

Amici's experiences of potential, and actual, declining international student enrollment in the wake of the Proclamation and predecessor travel bans reverberate throughout U.S. higher education. And the decline in new international student enrollment was entirely predictable. In a survey issued shortly after execution of the second travel ban, 79% of surveyed U.S. college and university recruiters of international students expressed serious concerns about their yield of admitted undergraduate students from the Middle East; moreover, based only on the political rhetoric around immigration leading up to the 2016 presidential election, nearly 40% of the educational institutions surveyed reported an overall decrease in international student applications for fall 2017 enrollment.[28] In another survey, 46% of U.S. graduate school deans reported substantial declines in admission yields for all international students for fall 2017 enrollment, and 52% reported seeing these declines in admission yields of prospective graduate students from the Middle East and North Africa.[29]

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[28] American Association of Collegiate Registrars and Admissions Officers, *Trending Topics Survey: International Applicants for Fall 2017—Institutional & Applicant Perceptions* 1-2, 8, 10 (Apr. 4, 2017), http://www.aacrao.org/docs/default-source/TrendTopic/Immigration/final-report.pdf?sfvrsn=0.

[29] Hironao Okahana, *Data Sources: Admission Yields of Prospective International Graduate Students: A First Look*, http://cgsnet.org/data-sources-admission-yields-prospective-

These very real recruitment difficulties extend to faculty and scholars. Yale's MacMillan Center Council on Middle East Studies and its Program on Iranian Studies are currently conducting searches for post-doctoral fellows and visiting scholars, with the most promising candidates being Iranian nationals who are currently abroad. The Proclamation's indefinite suspension for Iranian nationals of all immigrant visas, and all non-immigrant visas other than student and exchange visitor visas, means that some candidates may have to turn down Yale's offers. The University of Pennsylvania has similar concerns, with three faculty recruits whose opportunities may be eliminated by the Proclamation. Princeton and MIT, too, have received numerous inquiries from academic departments about how to handle the questions and concerns of faculty and scholar recruits and invited visitors who have expressed hesitation about coming to the U.S.

Second, the Proclamation harms the current members of *amici*'s campuses from the six affected Muslim-majority countries. Even if it does not prematurely cancel their visas, the Proclamation still separates members of *amici*'s communities from family living abroad. For instance, the spouses and children of scholars and researchers from Chad, Iran, Libya, Syria, and Yemen will be unable to enter the U.S. even for a short-term visit, creating a traumatic separation as a result of their family members' decision to study and work here. Given that the Proclamation suspends all categories of visas for Syrian nationals and suspends all

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international-graduate-students-first-look (last visited Mar. 27, 2018).

visas other than student and exchange visas for Iranian nationals, students, faculty, and scholars from Syria and faculty and scholars from Iran are wary of leaving the U.S. because their re-entry may be barred or challenged by immigration authorities. By subjecting students from Iran and students, faculty, and scholars from Somalia to undefined "enhanced screening and vetting," the Proclamation invites additional fear and uncertainty. The inscrutability of what this additional vetting entails means that, even though students and scholars currently studying or working at *amici* have already undergone and passed thorough vetting, they have no assurances that they will pass the additional vetting ordered by the Proclamation if they leave the U.S. and seek reentry.

These individuals are thus deterred from conducting field research, attending academic conferences, or participating in international meetings in foreign nations; for some, travel concerns will cause them to set aside projects that simply cannot be completed without international travel. The Proclamation also takes a personal toll because they may feel compelled to cancel any plans to visit family and friends abroad: fly home to attend the wedding or funeral of a family member, and one risks the loss of one's visa, separation from family and friends here in the U.S., and the loss of a job, an academic degree, and years of hard work and research, indefinitely.

Third, the Proclamation's chilling effects extend beyond persons from the six targeted countries. Given the review of other countries directed by the Proclamation, *see* Proclamation § 4(a)(ii), and the possibility that other countries will be added to the

Proclamation's scope, *all* international students, faculty, and scholars may reasonably fear that their immigration status may be revoked at any time for reasons having nothing to do with their conduct and based on no evidence whatsoever that they pose any security risk to this country. And should a new country find itself the target of a subsequent Proclamation banning entry of its nationals, the chaos resulting from the first travel ban will repeat itself, reinforcing feelings of doubt and insecurity about this nation.

Fourth, the Proclamation will impede successful academic collaboration. American universities host thousands of conferences and symposia each year. These academic meetings convene scholars within and across disciplines of study. They are incubators for innovation and promote the free flow of information and ideas. By hosting these events, *amici* ensure that their participating scholars can encounter and collaborate with other scholars. The resulting collaborations are essential to addressing problems that are global in scope, such as geopolitical conflict, terrorism, and the spread of communicable diseases.

The Proclamation threatens these efforts by prohibiting certain academics from traveling to the U.S., and by provoking a backlash from others not subject to the ban. Indeed, international universities have observed that the predecessor travel bans would impede collaborative partnerships with American universities.[30]

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[30] Parr, *supra* note 23 (quoting the President of McMaster University, Canada: "This is a misguided and harmful step

The negative consequences to collaboration have already been felt. Recently, a highly-regarded economics scholar and Iranian national was denied a visa to attend an academic conference at one of *amici*. The denial letter stated, "[t]aking into account the provisions of the Proclamation, a waiver will not be granted in your case." Similarly, the University of Pennsylvania had planned to invite three Iranian human rights activists to a conference in March 2017, but with the second travel ban in effect, their participation would have been barred. Participants in a conference at the Harvard Center for Middle Eastern Studies voluntarily withdrew due to current U.S. immigration policies or perceptions thereof. And if the Sharmin & Bijan Mossavar-Rahmani Center for Iran and Persian Gulf Studies at Princeton, which expressly aims to advance understanding of Iran and the Persian Gulf, is inhibited by the Proclamation from inviting Iranian guest speakers, the Center obviously will be impeded in serving its mission.

What is more, faculty members from around the world already have called for a boycott of academic conferences in the U.S. in response to the predecessor

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that is unnecessarily disruptive for students, faculty members and other partners. ... As an internationally engaged research intensive university, this abrupt change in policy has a chilling impact on individual scholars and their families, and on the important relationships we have carefully built over the years. Our collaborative partnerships allow us to forge important research and educational programs and activities, which are threatened by arbitrary measures such as the one announced last week.").

travel bans.[31] Thousands of scholars in the U.S. and abroad have pledged not to attend international conferences here because of these bans.[32] Given that the Proclamation indefinitely extends the bans' discriminatory restrictions on entry, these scholars have no reason to end their boycott.

Academic conferences and meetings facilitate major breakthroughs and discoveries, candid discussion and debate, and face-to-face meetings that generate future collaborations and partnerships. Excluding scholars from the six affected countries—and other scholars who choose not to participate because of the Proclamation—will hamper the success of these collaborations. The nation will inevitably suffer when these meetings are shifted abroad to avoid the Proclamation's effects.

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[31] *See* Shannon Najmabadi, *Academics Mull Boycott of U.S. Conferences as a Way of Fighting Travel Ban*, The Chronicle of Higher Education (Jan. 30, 2017), http://www.chronicle.com/article/Academics-Mull-Boycott-of-US/239047?cid=pm&utm_source=pm&utm_medium=en&elqTrackId=e9a82fa115e24765bc019b2dfc9d480e&elq=ef21be06f46043e287aeedd6a611eb6e&elqaid=12357&elqat=1&elqCampaignId=5023; Elizabeth Redden, *Boycotting the U.S.*, Inside Higher Ed (Jan. 31, 2017), https://www.insidehighered.com/news/2017/01/31/protest-trump-entry-ban-some-scholars-areboycotting-us-based-conferences.

[32] In Solidarity with People Affected by the 'Muslim Ban,' https://docs.google.com/forms/d/e/1FAIpQLSeNN_2HHREt1h-dm_CgWpFHw8NDPGLCkOwB4lLRFtKFJqI25w/viewform?c=0&w=1&fbzx=2104368019732744200 (last visited Mar. 27, 2018).

Fifth, *amici* strive to foster a culture of diversity, inclusion, and tolerance on their campuses. Section I, *supra*. The Proclamation undercuts those important efforts by making many of *amici*'s students, faculty, and scholars feel "less than," and signaling, from the highest levels of government, that discrimination and religious intolerance is not only acceptable but appropriate. Rather than securing American universities, this thwarts *amici*'s ability to foster a diverse environment in which individuals feel comfortable contributing to a robust exchange of ideas.

Finally, the Proclamation should be enjoined in full. Limiting the Proclamation's scope to "foreign nationals who lack any bona fide relationship with a person or entity in the United States," *Trump v. International Refugee Assistance Project* (*IRAP*), 137 S. Ct. 2080, 2087 (2017), would not rectify the Proclamation's harms to *amici*. Although students who have already been admitted to American universities, and workers who have already accepted offers of employment, may possess such bona fide relationships, *id.* at 2088, many questions of consequence to *amici* would remain unanswered by such a limitation. For example, what would happen to international scholars at *amici* universities who are not students or employees of *amici* or any other American entity? At *amici*, the populations of such international scholars are sizeable. At Harvard alone, over 50 scholars from the six targeted countries are visiting researchers, research and postdoctoral fellows, and interns—but not students or employees on sponsored work visas. To Harvard, these relationships are surely bona fide, but the University has no guarantee that the U.S. will not conclude otherwise at

the border. The discretion afforded the government under this rule has harsh consequences; for example, scholars and students may be loath to publish research or other works critical of the government, its political preferences, or U.S. foreign policy, lest their immigration status be threatened. The "bona fide relationship" test's inherent ambiguity could have a destructive chilling effect on scholars and students who have traditionally enjoyed an environment of academic freedom in this country.

The "bona fide relationship" carve-out also leaves the substantial class of *prospective* international students, faculty, and scholars in a state of uncertainty. International students considering applying to *amici* in future application cycles may not currently have a formal, documented relationship with any U.S. entity, and they will not unless and until they are accepted by an *amicus* university. So too for many international faculty and scholars not currently employed by *amici* universities, or any other American entity, whom *amici* universities may wish to recruit, interview, invite to lecture, or host for forthcoming conferences. Yet without the ability to visit campus and meet with potential colleagues or faculty, international students, faculty, and scholars are far less likely to select an American college or university. Even if implemented in this partial manner, the Proclamation would place *amici* at a distinct disadvantage relative to international schools.

Moreover, although this Court previously made clear that "a lecturer invited to address an American audience" has a qualifying bona fide relationship with

the inviting entity, *IRAP*, 137 S. Ct. at 2088, it said nothing about scholars who intend to attend an academic conference here. These scholars may informally participate in the conference by engaging with lecturers and other attendees, but they may not have been invited formally to do so. Whether that relationship would qualify as bona fide under the Court's test (or the government's interpretation thereof) is unknown. But hundreds of times each year, thousands of scholars participate in such conferences at American colleges and universities. The government has already denied a visa to at least one such Iranian scholar invited to participate in an academic conference at an *amicus*.

Because the "bona fide relationship" carve-out fails to account for the myriad ways in which *amici* universities collaborate with international students, faculty, and scholars, it may impede the creation of *amici*'s future bona fide relationships. Worse still, this carve-out would not prevent the potential long-term attrition at *amici* of international students, faculty, and scholars from the countries affected by the Proclamation—and from other countries as well. The Proclamation harms *amici* and thus should be enjoined in its entirety.

CONCLUSION

Amici take seriously the safety and security of their campuses and the nation: if *amici*'s campuses were not safe, or the towns and cities in which they are located were not secure, *amici* could not maintain their world-renowned learning environments. *Amici*, however, believe that safety and security concerns can be addressed in a manner that is consistent with the values America has always stood for, including the free flow of ideas across borders and the welcoming of foreign nationals to our campuses. The Proclamation falls far short of justifying its ban on individuals from the specified countries.

March 30, 2018

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APPENDIX

APPENDIX

Boston University educates students "to be reflective, resourceful individuals ready to live, adapt and lead in an interconnected world." The University remains dedicated to the principle "that research, scholarship, artistic creation and professional practice should be conducted in the service of the wider community – local and international," and this principle endures in the University's insistence on the value of diversity. Boston University has more than 33,000 undergraduate and graduate students from more than 130 countries. In 2016, Boston University welcomed to its campus over 9,000 international students and 1,300 international scholars who hailed from 88 countries, and enrolled more than 2,500 students in the University's 90-plus study abroad programs offered in more than 25 countries on six continents.

Brandeis University affirms its unwavering commitment to creating and sustaining an educational and work environment that celebrates diversity, equity, and inclusion. The University recognizes the vital importance of preparing students to enter the workforce and larger society with the knowledge, skills, and disposition needed to effectively engage with social differences. The diversity of its faculty, staff, and students is essential to meeting these goals.

Brown University has undertaken as its mission service to "the community, the nation, and the world by discovering, communicating, and preserving knowledge and understanding in a spirit of free inquiry, and by educating and preparing students to discharge the offices of life with usefulness and reputation." Brown

further states that its "strength is derived from the talent and dedication of its faculty, students, and staff, working in concert with local and global partners."

Bucknell University knows that providing an excellent undergraduate education to all students requires a firm and demonstrated commitment to diversity and inclusiveness. Since admitting its first international student in 1858—19 year old Maung Shaw Loo of Burma (now Myanmar)—Bucknell has benefited from and greatly valued the unique insights and experiences that its international students, faculty and staff bring to campus. Bucknell is committed to continuing to encourage these individuals to join its community and fulfilling its mission to foster an environment in which students develop intellectual maturity, personal conviction and strength of character, informed by a deep understanding of different cultures and diverse perspectives.

Carnegie Mellon University ("CMU") seeks to "build on leadership in world-class education and research outside the borders of a traditional university campus [and] focus on continued international engagement, and deeper and broader incorporation of the full CMU experience around the world."

Case Western Reserve University considers diversity and inclusion core institutional values. The University believes that the presence of people with a broad range of backgrounds and perspectives enhances the experiences of everyone on campus—and specifically improves the quality of education and research. The University's last two strategic plans both have emphasized the "promotion of an inclusive culture of

global citizenship" as essential to its mission of discovering new knowledge and deepening understanding. Since 2007, the proportion of undergraduates from outside the U.S. has quadrupled, climbing to 12% in the fall of 2016. Meanwhile, international students totaled a quarter of graduate and professional school enrollment in last year. The University also has more than 250 research and educational partnerships with institutions around the world, and close to half of its undergraduates participate in study abroad programs. In an increasingly global world, Case Western Reserve has a societal obligation to help ensure that its faculty and students can engage effectively with individuals from cultures and countries around the world. The University has made enormous progress, and it is committed to doing much more to fulfill that responsibility.

Columbia University "seeks to attract a diverse and international faculty and student body, to support research and teaching on global issues, and to create academic relationships with many countries and regions. It expects all areas of the [U]niversity to advance knowledge and learning at the highest level and to convey the products of its efforts to the world."

Cornell University has made strong and committed statements of support for its international students, faculty, and staff who contribute enormously to the university and have been adversely affected by the recent Executive Orders and Proclamation on Immigration. Cornell's Interim President Hunter Rawlings sent the following message to the Cornell community on Jan. 29: "President Donald Trump's

recent executive order imposing a 90-day ban on immigrant and nonimmigrant entry to the United States from seven predominantly Muslim nations is deeply troubling and has serious and chilling implications for a number of our students and scholars. It is fundamentally antithetical to Cornell University's principles." That stance has been reiterated by Cornell's new President, Martha Pollack.

Dartmouth College counts among its core values "embrac[ing] diversity with the knowledge that it significantly enhances the quality of a Dartmouth education," as well as "foster[ing] lasting bonds among faculty, staff, and students, which encourage a culture of integrity, self-reliance, and collegiality and instill a sense of responsibility for each other and for the broader world."

Duke University "promotes acquisition of knowledge in the service of society through an expansive view of global citizenship, which embraces freedom of inquiry, innovation without boundaries, and strength through diversity. ... Duke is committed ... to find solutions to global challenges and the education of leaders to understand and address those challenges." Duke further states that "[s]ince talent pools are now transnational, a university must draw the most powerful and creative minds from around the world to stay at the forefront of discovery."

Emory University's "mission is to create, preserve, teach, and apply knowledge in the service of humanity," and Emory "welcomes a diversity of ethnic, cultural, socioeconomic, religious, national, and international backgrounds, believing that the intellectual and social

energy that results from such diversity is critical to advancing knowledge."

The **George Washington University**, located in the nation's capital, relies on faculty and students from around the world to promote diverse points of view in the classroom and in research endeavors. These international faculty and students account for or contribute significantly to scientific breakthroughs and nurture the intellectual curiosity of their American counterparts. More than 4,000 international students are currently enrolled at the University, constituting approximately 15% of the student body.

Georgetown University is the oldest Catholic and Jesuit institution of higher learning in the United States. Guided by its Catholic and Jesuit identity, the University is deeply committed to inter-religious dialogue and providing an environment in which members of all faiths and backgrounds are welcomed. Since its founding, Georgetown University has been a global community, engaged in training the next generations of global citizens to lead and make a difference in the world, and made stronger by religious, cultural and international diversity.

Founded in 1636, **Harvard University** was formally chartered in 1650 for "the advancement of all good literature, arts, and sciences." Finding that such advancement is best accomplished by persons of all nations, for persons of all nations, Harvard presently enrolls more than 4900 international students and hosts nearly 5000 more international scholars at its Cambridge and Boston campuses. These figures reflect a "robust commitment to internationalism" that University

President Drew Faust has described as "integral to all [Harvard] do[es], in the laboratory, in the classroom, in the conference hall, in the world."

Johns Hopkins University's mission is "[t]o educate its students and cultivate their capacity for lifelong learning, to foster independent and original research, and to bring the benefits of discovery to the world."

Massachusetts Institute of Technology ("MIT") gains tremendous strength from attracting and nurturing talent from around the world. More than 40% of MIT's faculty, 40% of MIT's graduate students, and 10% of MIT's undergraduates are international. As MIT's President recently explained, MIT's faculty, students, scholars, and staff from 134 nations are what help ensure that MIT is a place of "rigor, ingenuity and real-world problem-solving where generations of bright young minds have come from every corner of the Earth to make something of themselves and work together to make a better world."

Middlebury College's commitment to global education and language learning is evident throughout our 37 international sites, graduate programs in international studies, and diverse faculty, staff and student body at all of our locations. Middlebury is devoted to building a world with a robust and inclusive public sphere, where ethical citizens work across intellectual, geographical, and cultural borders. The diversity of our faculty, staff, and students contributes in myriad ways to our "pursuit of knowledge unconstrained by national or disciplinary boundaries" as we prepare Middlebury students to address the world's most challenging problems.

Northeastern University remains committed to fostering a diverse, inclusive, and truly global network of students and scholars. Even as it awaits the Court's final resolution of the Proclamation's constitutionality, Northeastern will not waver from its core values and will continue to support affected members of its community. Northeastern remains deeply concerned by the travel ban's negative impact on the ability of students and scholars to collaborate across borders. Further, it remains concerned that the chilling effect of the Proclamation—and the possibility that it may be expanded or made permanent—will curtail the nation's ability to attract the world's best and brightest people.

Northwestern University is committed to the unencumbered pursuit of excellence and knowledge through exceptional teaching, innovative research and the personal and intellectual growth of its students in a diverse academic community that reflects the world to which it is inextricably connected.

Princeton University, established in 1746, "advances learning through scholarship, research, and teaching of unsurpassed quality, with an emphasis on undergraduate and doctoral education that is distinctive among the world's great universities, and with a pervasive commitment to serve the nation and the world."

Rice University "aspires to pathbreaking research, unsurpassed teaching, and contributions to the betterment of our world," seeking to fulfill this mission "by cultivating a diverse community of learning and discovery that produces leaders across the spectrum of human endeavor." The University believes that

"diversity of all types ... enriches the learning environment at Rice and improves the quality of a Rice education for all students."

Stanford University "welcomes and embraces students and scholars from around the world who contribute immeasurably to [its] mission of education and discovery."

Tufts University has a reputation for shaping active citizens who give back to the global community of which we are all a part. With representation from over 115 countries, the reach of Tufts' active citizenry literally spans the globe. Tufts maintains its fundamental commitment to its international students, faculty and staff because they are as much a part of its community, as the University is of theirs.

The University of Chicago states that "[d]iversity for the University is ... particularly germane to [its] core perspective. [The University] must ensure that [its] scholarly community is composed of a rich mix of individuals who, through their own distinctive viewpoints, contribute to the intellectually challenging culture of the University."

The University of Michigan's "ability to attract the best students and faculty from around the globe enhances [its] teaching, learning, research and societal impact and is in part responsible for [its] standing as a great public research university."

The University of Pennsylvania's "roots are in Philadelphia, the birthplace of American democracy. But Penn's reach spans the globe ... Penn research and

teaching encourage lifelong learning relevant to a changing global society."

The University of Southern California ("USC") is, and has always been, a global university. As the University that traditionally hosts the largest number of international students among all universities, these scholars add great value to its richly diverse campus community. USC supports efforts to ensure that all of its scholars, regardless of their national origin or religious affiliation, can continue to study, research and teach at the University.

Vanderbilt University's mission is to serve as a center for scholarly research, informed and creative teaching, and community outreach nationally and abroad. In pursuit of this mission, Vanderbilt values inclusive excellence: intellectual freedom and advancement that facilitates open inquiry, honest dialogue, compassion, and cross-cultural sensitivity. Inclusive excellence is essential to Vanderbilt's vision of training "global citizens," and requires the support of its faculty, staff, students, and alumni, as well as an appreciation of their diverse backgrounds and experiences. At Vanderbilt, cultivating a culture of global citizenship is advanced through attracting and retaining the best students, scholars, and faculty from across the globe, to engage in programs and advocacy geared toward ensuring a climate of justice, access, equity, and opportunity for all students and society at large.

Washington University in St. Louis values its long tradition of drawing talented people from all around the world to its community. These students and scholars

integrate global perspectives into classroom conversations, informal university gatherings and the greater St. Louis community. The University believes that we all draw strength through our differences, and this diversity is vital to the creation of knowledge, problem solving, and productivity.

Worcester Polytechnic Institute ("WPI") is a globally-engaged premier research institution, founded in 1865 to create and convey to the next generation the latest science and engineering knowledge in ways that are most beneficial to the U.S. and the world. At present, WPI has 32 graduate and undergraduate students from the six countries affected by the Proclamation, and dozens of students from those countries apply for admission each year. In 2017, applications from the six affected countries were down by 18% from 2016, before the travel ban was announced. Over time, WPI expects the travel ban's restrictions to have a further chilling effect on its ability to attract and retain the finest students and faculty from around the world and thus to further its academic mission.

Yale University is committed to improving the world today and for future generations through outstanding research and scholarship, education, preservation, and practice. Yale educates aspiring leaders worldwide who serve all sectors of society through the free exchange of ideas in an ethical, interdependent, and diverse community of faculty, staff, students, and alumni. Yale's reach is local and international, engaging with people and institutions in the U.S. and across the globe in its quest to promote cultural understanding, improve the human condition,

and delve more deeply into the unknown. Yale is more than an institution of higher education; it is a community where people of diverse cultures and nationalities live, study, and work, connected by their similarities and enriched by their differences.